

Attachment 12

SEC v. Badian

March 2, 2001

Page 1

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SEC v. Badian

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Audio Transcription

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March 2, 2001

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Page 160

1 Start: 3/02/2001 12:14:33 PM, Stop: 3/02/2001 12:19:19 PM,
2 Logger: 338601, Channel: 35, Session ID: 59974

12 [Phone dialing]
13 Trading: Hello?
14 "Matt" Moses Drillman: Hey, there's a bid on
15 Sedona, SDNA for 3,000 at 1 and 9/32s. Can you sell it,
16 please?
17 Trading: Okay.
18 "Matt" Moses Drillman: Thanks.
19 [Phone call ends]
20 "Matt" Moses Drillman: If you're going to talk
21 on those things, I got to get one, too, okay?
22 [Unintelligible]

Page 161

1 "Matt" Moses Drillman: Yeah, I want one of those
2 things. I want to be able to talk to everyone.
3 [Unintelligible]
4 "Matt" Moses Drillman: Can we get one?
5 [Unintelligible]
6 "Matt" Moses Drillman: Yeah, I want to start
7 talking to everyone.
8 [Background]
9 "Matt" Moses Drillman: Who?
10 [New phone call]
11 "Matt" Moses Drillman: Refco.
12 Trading: You sold 3,000 SDNA.
13 "Matt" Moses Drillman: Thank you.
14 [Phone call ends]

Page 174

1 Start: 3/02/2001 12:39:99 PM, Stop: 3/02/2001 12:47:14 PM,

2 Logger: 338601, Channel: 34, Session ID: 59907

Page 177

9 Jeffrey Danny Graham: Here, flush this up
10 because we're not trading this anymore.

11 "Matt" Moses Drillman: Sedona?

12 Jeffrey Danny Graham: Yeah.

13 [Audio break]

14 Jeffrey Danny Graham: Sell some more at a
15 quarter or no?

16 "Matt" Moses Drillman: Sedona?

17 Jeffrey Danny Graham: I hit 2,000 earlier at a
18 quarter.

19 "Matt" Moses Drillman: At a quarter?

20 Jeffrey Danny Graham: Yeah.

21 "Matt" Moses Drillman: Oh, I would wait. I hit
22 3,000 at 9/32s.

Page 182

2 Logger: 338601, Channel: 34, Session ID: 59909

22 [Audio break]

Page 185

1 [New phone call]

2 Jeffrey Danny Graham: This is Danny.

3 "Jay" Jacob Spinner: Danny, what's up?

4 Jeffrey Danny Graham: What's going on?

5. "Jay" Jacob Spinner: Nothing. Is Matt around?

6 Jeffrey Danny Graham: No, he's in the office

7 with Barbara. Do you want to talk to him?

8 "Jay" Jacob Spinner: Oh, it's not that

9 important. We working anything today?

10 Jeffrey Danny Graham: Not really.

11 "Jay" Jacob Spinner: Working anything for

1.2 Badian?

13 Jeffrey Danny Graham: Not really. Sedona.

14 TVCP.

15 "Jay" Jacob Spinner: You think he's giving other
16 stuff elsewhere?

17 Jeffrey Danny Graham: Do I? I don't really
18 think much is going on at all.

9 "Jay" Jacob Spinner: You don't think he has
10 anything going on now?

1 Jeffrey Danny Graham: No. I mean, might have a
2 couple things. I just think the liquidity on all of the

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| | |
|---|--|
| <p style="text-align: right;">Page 186</p> <p>1. stocks are dry.</p> <p>2 "Jay" Jacob Spinner: Are you getting off any</p> <p>3 Sedona?</p> <p>4 Jeffrey Danny Graham: Yeah. They've done --</p> <p>5 "Jay" Jacob Spinner: You been working that WHME</p> <p>6 again?</p> <p>7 Jeffrey Danny Graham: Yep. Done 20,000 of that.</p> <p>8 "Jay" Jacob Spinner: That should be a decent</p> <p>9 markdown.</p> <p>10 Jeffrey Danny Graham: Yeah.</p> <p>11 "Jay" Jacob Spinner: What's the average on it?</p> <p>12 Jeffrey Danny Graham: Our average? 127. Yeah.</p> <p>13 Matt said we were going to mark it down seven cents.</p> <p>14 "Jay" Jacob Spinner: We need to.</p> <p>15 Jeffrey Danny Graham: So I said okay.</p> <p>16 "Jay" Jacob Spinner: Where's [unintelligible]</p> <p>17 now? Is that [unintelligible] on top of that? Probably</p> <p>18 not.</p> <p>19 Jeffrey Danny Graham: No.</p> <p>20 "Jay" Jacob Spinner: How much is the one you're</p> <p>21 working all together?</p> <p>22 Jeffrey Danny Graham: I told him we had done 20.</p> | <p style="text-align: right;">Page 188</p> <p>1 stamp on the desk. It's not a big deal.</p> <p>2 "Jay" Jacob Spinner: On which desk?</p> <p>3 Jeffrey Danny Graham: On my desk.</p> <p>4 "Jay" Jacob Spinner: That's fine. What do I</p> <p>5 care? You're the one who does all the time stamp thing</p> <p>6 anyways.</p> <p>7 Jeffrey Danny Graham: Yeah, I know so I needed</p> <p>8 that moved. Whatever. So yeah, it's underneath my desk.</p> <p>9 "Jay" Jacob Spinner: Although the funny thing</p> <p>10 is--</p> <p>11 Jeffrey Danny Graham: The only thing -- I just -</p> <p>12 - you know, I moved -- you didn't really have too much,</p> <p>13 just the papers and [audio break] some of your business</p> <p>14 cards and what you had -- you know, phone numbers and</p> <p>15 stuff. I just put it on the desk.</p> <p>16 "Jay" Jacob Spinner: All right. Okay.</p> <p>17 Jeffrey Danny Graham: We're good.</p> <p>18 "Jay" Jacob Spinner: Okay, good.</p> <p>19 Jeffrey Danny Graham: Do you want me to have</p> <p>20 Matt call you? Where's this space? Is it right near where</p> <p>21 you guys live?</p> <p>22 "Jay" Jacob Spinner: Yeah, yeah, right</p> |
| <p style="text-align: right;">Page 187</p> <p>1 He said lay off it, so. We'll see. And Monday, you'll be</p> <p>2 all set up here. I moved all your stuff over.</p> <p>3 "Jay" Jacob Spinner: Oh, yeah?</p> <p>4 Jeffrey Danny Graham: And I made sure all your</p> <p>5 stuff worked.</p> <p>6 "Jay" Jacob Spinner: So everything is working</p> <p>7 now?</p> <p>8 Jeffrey Danny Graham: Yeah.</p> <p>9 "Jay" Jacob Spinner: Did you move the Bloomberg</p> <p>10 terminal from under the desk?</p> <p>11 Jeffrey Danny Graham: Yeah and uh, at first we</p> <p>12 were going to have to switch it back but I'm going to put--</p> <p>13 because the monitors, the cords aren't long enough to shift</p> <p>14 those monitors over.</p> <p>15 "Jay" Jacob Spinner: So just shift the monitors.</p> <p>16 Jeffrey Danny Graham: No, they won't -- they</p> <p>17 can't go any further.</p> <p>18 "Jay" Jacob Spinner: No, I'll take your monitors</p> <p>19 and you take my monitors.</p> <p>20 Jeffrey Danny Graham: No, the Bloomberg.</p> <p>21 "Jay" Jacob Spinner: Right.</p> <p>22 Jeffrey Danny Graham: So I'm putting the time</p> | <p style="text-align: right;">Page 189</p> <p>1 [unintelligible] for the first few minutes.</p> <p>2 Jeffrey Danny Graham: Oh, yeah?</p> <p>3 "Jay" Jacob Spinner: Yeah.</p> <p>4 Jeffrey Danny Graham: Did you talk to him about</p> <p>5 how -- what he thinks of this market?</p> <p>6 "Jay" Jacob Spinner: What he thinks is</p> <p>7 absolutely irrelevant because you know what?</p> <p>8 [Unintelligible] because he got excited about the market</p> <p>9 for three days and the reality is, is they shouldn't have</p> <p>10 because they shouldn't have bought anything that was not in</p> <p>11 the top industry group.</p> <p>12 Jeffrey Danny Graham: Right.</p> <p>13 "Jay" Jacob Spinner: [Unintelligible] Did</p> <p>14 [unintelligible] today?</p> <p>15 Jeffrey Danny Graham: It's right there.</p> <p>16 "Jay" Jacob Spinner: [Unintelligible] You know,</p> <p>17 if it takes out the offer --</p> <p>18 Jeffrey Danny Graham: It's at the new high. The</p> <p>19 52 [unintelligible] 29, that's the last trade.</p> <p>20 "Jay" Jacob Spinner: Who am I kidding? You</p> <p>21 know, what am I playing -- what am I trying to play</p> <p>22 becoming juniors for? If I don't play the top in the</p> |

48 (Pages 186 to 189)

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Page 228

1 Start: 3/02/2001 1:34:51 PM, Stop: 3/02/2001 1:59:22 PM,
2 Logger: 338601, Channel: 34, Session ID: 59915

58 (Pages 226 to 229)

[illegible]

Page 253

1 Start: 3/02/2001 1:36:30 PM, Stop: 3/02/2001 1:43:42 PM,
2 Logger: 338601, Channel: 35, Session ID: 60239

[REDACTED]

Alderson Reporting Company
1-800-FOR-DEPO

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| 99 | [REDACTED] | 99 | [REDACTED] |
| 100 | [REDACTED] | 100 | [REDACTED] |

18 "Matt" Moses Drillman: Danny, sell Sedona 3,000,
19 1 and 9/32s quick, okay? Um, I don't see where we're going
20 to get it.

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| <p style="text-align: right;">Page 262</p> <p>[REDACTED]</p> | <p>[REDACTED]</p> |
| <p>[REDACTED]</p> | <p style="text-align: right;">Page 265</p> <p>Start: 3/02/2001 1:55:14 PM, Stop: 3/02/2001 1:58:35 PM, Logger: 338601, Channel: 35, Session ID: 60250</p> <p>[REDACTED]</p> |

67 (Pages 262 to 265)

[illegible]

Page 269

[REDACTED]

1 [Unintelligible]
2 "Matt" Moses Drillman: Okay. I hear what you're
3 saying.
4 [Unintelligible]
5 "Matt" Moses Drillman: All right. Got you.
6 [Unintelligible]
7 "Matt" Moses Drillman: Good, good. Yeah, that's
8 what I was trying to say. You saw --
9 [Unintelligible]
10 "Matt" Moses Drillman: Yeah.
11 [Unintelligible]
12 "Matt" Moses Drillman: But you know what? You
13 could have been more aggressive on that because if he told
14 you to be aggressive, you also have the license to print.

[End of audio]

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[illegible]

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Page 302

1 [REDACTED]
2 [REDACTED]
3 Jeffrey Danny Graham: Sedona!
4 "Matt" Moses Drillman: I bought 20,000 CORV for
5 Ellis II, okay?
6 Jeffrey Danny Graham: You bought who?
7 "Matt" Moses Drillman: [Unintelligible]
8 Jeffrey Danny Graham: Ellis II?
9 "Matt" Moses Drillman: Yeah.
10 [Background]
11 UF: Where are they going?
12 Jeffrey Danny Graham: I don't know. I haven't
13 listened yet. I was starting to get into it before the
14 phone rang.
15 [Phone ringing]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
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77 (Pages 302 to 305)

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[illegible]

SEC [REDACTED]

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| <div>[REDACTED]</div> | <div>[REDACTED]</div> |
| <div>[REDACTED]</div> | <div>Page 349 1 Start: 3/02/2001 3:35:25 PM, Stop: 3/02/2001 3:44:01 PM, 2 Logger: 338601, Channel: 34, Session ID: 59926 [REDACTED]</div> |

88 (Pages 346 to 349)

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| <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED] DB</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> | <p style="text-align: right;">Page 356</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [Phone ringing]</p> <p>8 Jeffrey Danny Graham: This is Danny.</p> <p>9 Andreas Badian: Are you Sedona-ing a lot?</p> <p>10 Jeffrey Danny Graham: Oh yes.</p> <p>11 Andreas Badian: And successfully, it looks like.</p> <p>12 Jeffrey Danny Graham: Uh, yes.</p> <p>13 Andreas Badian: And TVCP?</p> <p>14 Jeffrey Danny Graham: Uh, yes.</p> <p>15 Andreas Badian: Rock and roll.</p> <p>16 Jeffrey Danny Graham: Okay. Yeah, no, Sedona --</p> <p>17 yeah, we're doing --</p> <p>18 Andreas Badian: Handsome.</p> <p>19 Jeffrey Danny Graham: I've done 25,000.</p> <p>20 Andreas Badian: Rock and roll. Keep working.</p> <p>21 Jeffrey Danny Graham: All right.</p> <p>22 Andreas Badian: Bye.</p> |
| <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> | <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> |

90 (Pages 354 to 357)

1 Jeffrey Danny Graham: And SDNA?
2 Cliff: Sold?
3 Jeffrey Danny Graham: Sold 17,000.
4 Cliff: All right.
5 Jeffrey Danny Graham: One point 3713.
6 Cliff: Three seven one three on Island?
7 Jeffrey Danny Graham: Yep. Come over at 1.3413.
8 Cliff: Point 3413, okay.
9 Jeffrey Danny Graham: Okay?
10 Cliff: That's it?
11 Jeffrey Danny Graham: Yep.
12 Cliff: All right, buddy. Have a good weekend.
13 Jeffrey Danny Graham: Thanks, you too.
14 Cliff: Bye-bye.
15 Jeffrey Danny Graham: Bye.
16 [Phone call ends]

[illegible][illegible]

6

[illegible]